GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

EFS&T Department – Departmental Proceedings against Sri P.S.Prakasa Rao, Forest Range Officer (retired on 31.05.2019) under Rule 9 of A.P. Revised Pension Rules, 1980 – Articles of Charges – Issued – Regarding.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.IV) DEPARTMENT

G.O.RT.No. 81 Dated: 26-10-2020.

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ORDER**:**

In pursuance of the sanction accorded by the Government under sub-clause (1) of clause (b) of sub-rule (2) of Rule 9 of the Revised Pension Rules, 1980 for instituting departmental proceedings against Sri P.S. Prakasa Rao vide G.O. Ms. No.26, EFS&T(Section.IV) Department, dt. 26.10.2020, it is proposed to hold an enquiry against Sri P.S.Prakasa Rao, formerly Forest Range Officer, Eluru Range of Eluru Division in accordance with the procedure laid down in Rule 20 of the A.P. Civil Services (CC&A) Rules, 1991. The inquiry shall be conducted by the Conservator of Forests, Rajahmundry Circle, Rajahmundry by whom the departmental proceedings are to be conducted in accordance with the sanction, at Rajahmundry.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of Charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the Articles of Charge are proposed to be sustained are also enclosed (Annexure –III and IV).

3. Sri P.S. Prakasa Rao, Forest Range Officer(Retd) formerly Eluru Range of Eluru Division is directed to submit, within 10 days of the receipt of this order, a written statement of his defense and also to state whether he desires to be heard in person.

4. Sri P.S. Prakasa Rao, Forest Range Officer(Retd) formerly Eluru Range of Eluru Division is informed that an inquiry will be held only in respect of those Articles of Charge as are not admitted. He should, therefore, specifically admit or deny each Articles of Charge.

5. Sri P.S. Prakasa Rao, Forest Range Officer(Retd) formely Eluru Range of Eluru Division is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh State Civil Services (CCA) Rules, 1991, or the orders/ directions issued in pursuance of the said rules, the inquiring authority may hold the inquiry against him exparte.

6. The receipt of Government Order may be acknowledged.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
Sri P.S. Prakasa Rao, FRO(Retd)(through the PCCF(HoFF), A.P., Guntur)
Copy to:
The Principal Chief Conservator of Forests(HoFF), A.P., Guntur.
(He is to serve the orders on the above individual, obtain his dated acknowledgment on the duplicate copy and resubmit the same to this office for record.)
The Conservator of Forests, Rajahmundry Circle, Rajahmundry.

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI P.S.PRAKASARAO, FOREST RANGE OFFICER(Retd.) EARLIER WORKED IN ELURU RANGE OF ELURU DIVISION OF RAJAHMUNDRY CIRCLE

That the said Sri P.S.PRAKASA RAO, Forest Range Officer(Retd), earlier worked as Forest Range Officer, Eluru Range of Eluru Division during the period from 28-04-2017 to 09-10-2018 and from 20-12-2018 to 31-05-2019. During his tenure period in Eluru Range of Eluru Division, he has failed to discharge his legitimate duties as per Codal Provisions under Section 155 of AP Forest Department Code Volume-I and failed to act as per Section 20 of A.P.Forest Act, 1967 and thereby committed following irregularities mentioned in the Articles of Charge.

ARTICLE:That Sri P.S.Prakasa Rao, Forest Range Officer(Retired) while working as Forest Range Officer, Eluru Range of Eluru Division from 28-04-2017 to 09-10-2018 and from 20-12-2018 to 31-05-2019 has grossly neglected his legitimate duty in preventing of encroachments in Bhogole Beat of Eluru Range and failed to act as per Section 20 of A.P.Forest Act, 1967 and not maintained the status quo orders issued by the Hontle A.P. High Court in WP 26622/2013 and W.P.No.7175/2014.

Thus, Sri P.S.Prakasa Rao, Forest Range Officer(Retired) earlier worked in Eluru Range of Eluru Division by his above mentioned acts has exhibited lack of integrity, discipline and devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rule-3(1) of the A.P.C.S. (Conduct) Rules, 1964.

ANNEXURE – II

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI P.S.PRAKASARAO, FOREST RANGE OFFICER(Retd.) EARLIER WORKED IN ELURU RANGE OF ELURU DIVISION OF RAJAHMUNDRY CIRCLE

ARTICLE:That Sri P.S.Prakasa Rao, Forest Range Officer(Retired) while working as Forest Range Officer, Eluru Range of Eluru Division from 28-04-2017 to 09-10-2018 and from 20-12-2018 to 31-05-2019 has grossly neglected his legitimate duty in preventing of encroachments in Bhogole Beat of Eluru Range and failed to act as per Section 20 of A.P.Forest Act, 1967 and not maintained the status quo orders issued by the Hon'ble A.P. High Court in WP 26622/2013 and W.P.No.7175/2014.

Basis of Charge:

On 09.08.2013 Sri Chokka Istraiah R/o Kalarayanagudem village along with 64 others have encroached the Bhogole forest land near Kalarayanagudem village and ploughed the area. The Divisional Forest Officer, Eluru alerted the Forest Range Officer, Eluru and lower staff and rushed to the spot and with great difficulty seized the tractor bearing No. AP37 AZ 9349 and brought to Eluru and booked the offence case DOR No.11/2013-14 under Sections 20.1.(c).ii, vii, ix, x and (d) A.P. Forest Act, 1967 and also made a complaint by the Forest Range Officer, Eluru in Dharmajigudem Police Station against the encroachers for encroaching the forest land and obstructing the staff in discharge of their legitimate duties. An assault case was booked vide FIR No.91. The Divisional Forest Officer, Eluru issued a notice to the Chokka Istraiah and others under section.44 of A.P. Forest Act, 1967 for finalizing the offence case, but the accused have not acknowledged the notice and even for three notices also the accused did the same and approached the Hon'ble High Court for finalizing the offence case. Finally as per the Hon'ble High Court orders in WP No.25032/2013 the Tractor was released by under taking from the accused and the case is pending.

Sri Chokka Istraiah and another Sriramulu Purnachandra Rao of Kalarayanagudem village have filed the W.P.No.26622/2013 in Hon'ble High Court and got the interim orders on 12.09.2013 as "Pending further orders, status quo with regard to the possession of the subject land shall be maintained. However, the petitioners shall not cut down any existing tree growth in the subject land". The Divisional Forest Officer, Eluru filed the stay vacation petition on 22.09.2015 in the above W.P.No.26622/2013 and also additional affidavit filed on 24.08.2017 and the writ petition is pending in the Hon'ble High Court. Further another W.P.No.7175/2014 also has been filed by Naresh and 78 others of same Kalarayanagudem villagers with similar grounds and got the interim orders dt.18.03.2014 as "Pending further orders, status quo with regard to the possession of the subject land shall be maintained. However, the petitioners shall not cut down any existing tree growth in subject land".

In the W.P.No.7175/2014, the Petitioner has not made the party either the Divisional Forest Officer, Eluru Division, Eluru or Forest Range Officer, Eluru and only made the Principal Secretary for Forests and Prl.Chief Conservator of Forests(HoFF), Guntur as Party and hence the Prl.CCF(HoFF) has filed the Counter affidavit.

As per the above status quo orders in both the Writ Petitions either the petitioners or the respondents i.e, the Department should not cut down the existing tree growth in the subject Forest land, it should be maintained as it is as on that dates. But the petitioners have encroached the Forest land and cleared the existing tree growth and raised the Cashew crop in the Forest land. As on 10.05.2019 around 69.00 Ha has been cleared and raised the cashew crops from October 2013 and April 2014 onwards.

In another incident one Sri Nandigam Sitarama Tilak had encroached Ac.13.20 Cts. land in Bhogole Forest Block of Bhogole beat and the land is under his control since long back. He approached the Hon'ble Prl.Senior Civil Judge Court, West Godavari, Eluru and got injunction orders to R.S.No.264/4 for Ac.5.36 Cents and he is enjoying the forest land under the guise of the above Court orders. This land is existing just by the side of the above encroached land.

It came to light, when an adverse news item was published in Eenadu District edition on 08.05.2019. The Divisional Forest Officer, Eluru has inspected the Bhogole Forest Block Bhogole Beat of Eluru Range near Kalarayanagudem village along with the FRO, Eluru and other lower staff on 10.05.2019. The Divisional Forest Officer, Eluru has perambulated the encroached area and noticed that, 69 ha of area has been encroached. The age of the crop is about 4 to 5 years. Immediately a base camp was established there to control the situation and the Task Force Party, Eluru was directed to regular patrolling in the Kalarayanagudem locality of Bhogole Forest Block. After taking necessary steps by the Divisional Forest Officer, Eluru in the area, the situation is under control and the encroached area is also under the control of the Forest Department.

On 19.12.2019, the DFO, WG, Eluru with the present FRO, Eluru and other Range staff of Eluru Division with the help of Police and Revenue authorities demarcated the disputed land in the vicinity, dug a trench along the actual forest boundary. Now, the entire land, both the encroached land involved in this issue and as well as the land occupied by Sri Nandigam Sitharam Tilak taken back and it is under the control of the Forest Department.

Because of the efforts taken to establish a Base Camp at disputed land and the Task Force Party, Eluru to be at the Kalarayanagudem area of Bhogole Forest Block and regular monitoring about the protection and encroachment aspect, the entire encroached land in that area along with the occupied land by Sri Nandigam Sitaram Tilak was vacated and now the land is under the control of the Department.

The said Forest Range Officer has earlier worked in Eluru Range from 28-04-2017 to 09-10-2018 and from 20-12-2018 to 31-05-2019 and it is his primary responsibility to safeguard the forest land and free from encroachments and he should aware about all the encroachments, Court cases if any under his jurisdiction/Range **as per Section 20 of AP Forest Act, 1967** and Section 155 of AP Forest Department Code Volume-I. But he has not taken any responsibility in dealing the issues and neglected the issues during his tenure period. The said Forest Range Officer has completely failed to enforce and maintain the status-quo orders of the Hon'ble A.P. High Court and prevent the forest land from encroachments and has not assessed the gravity of the issue and also not brought to the notice of the higher officials.

Thus, the said Forest Range Officer has failed to follow the provisions of Sec.155 of A.P.Forest Code Volume-I and Section 20 of AP Forest Act,1967.

Hence the charge.

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI P.S.PRAKASARAO, FOREST RANGE OFFICER(Retd.), FORMERLY ELURU OF ELURU DIVISION ARE TO BE SUSTAINED.

1) Paper clipping published in Eenadu news paper dated 08-05-2019.
2) DFO, Eluru Ref.no.466/67.TO dated 25-05-2019.
3) Photographs taken by the DFO, Eluru during the course of inspections on 10-05-2019.
4) W.P.No.26622/2013 dated 12-09-2013.
5) W.P.No.7175/2014 dated 18-03-2014.
6) Encroached area photos and Maps.
7) PrI.CCF(HoFF), AP, Guntur Rc.No.EFS02-19/80/2019/Vig.1 dt.16.08.2019.

ANNEXURE-IV

LIST OF WITNESSES BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI P.S.PRAKASARAO, FOREST RANGE OFFICER(Retd.), FORMERLY ELURU OF ELURU DIVISION ARE TO BE SUTAINED.

1) Divisional Forest Officer, West Godavari, Eluru.
2) Sri S.V.K.Kumar, Forest Range Officer, Eluru.